

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:  
Fabiola McGlynn



Order Filed on August 24, 2016  
by Clerk U.S. Bankruptcy Court  
District of New Jersey

Case No.: 14-18125  
Judge: Jerrold N. Poslusny Jr.  
Hearing Date(s): August 30, 2016  
Chapter: 13

Recommended Local Form

☒ Followed

☐ Modified

**ORDER RESOLVING MOTION TO VACATE STAY  
AND/OR MOTION TO DISMISS  
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

**DATED: August 24, 2016**

A handwritten signature in dark ink, appearing to read "J. Poslusny, Jr.", written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.  
United States Bankruptcy Court

Applicant: First Niagara Bank, N.A.

Applicant's Counsel: Rebecca K. McDowell, Esq.

Debtor's Counsel: Jill T. Bryan, Esq.

Property Involved ("Collateral"): 2013 Dodge Charger, VIN 2C3CDXBG8DH614840

Relief sought: ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 2 months, from June 2016 to July 2016.
- ☒ The Debtor is overdue for 2 payments at \$ 400.89 per month.
- ☐ The Debtor is assessed for \_\_\_\_\_ late charges at \$ \_\_\_\_\_ per month.
- ☒ Applicant acknowledges receipt of funds in the amount of \$ 400.89 received after the motion was filed.

Total Arrearages Due \$ 801.78.

2. Debtor must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of \$ \_\_\_\_\_. Payment shall be made no later than \_\_\_\_\_.
- ☒ Beginning on August 26, 2016, regular monthly <sup>loan</sup>~~mortgage~~ payments shall continue to be made in the amount of \$ 400.89.
- ☒ Beginning on August 26, 2016, additional monthly cure payments shall be made in the amount of \$ 133.63 for 6 months.

☐ The amount of \$\_\_\_\_\_ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$\_\_\_\_\_ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☒ Regular monthly payment: First Niagara Bank - Attn: Bankruptcy Dept  
6950 South Transit Rd., PO Box 514  
Lockport, NY 14095

☒ Monthly cure payment: First Niagara Bank - Attn: Bankruptcy Dept  
6950 South Transit Rd., PO Box 514  
Lockport, NY 14095

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$ 300.00, and costs of \$ 176.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within \_\_\_\_\_ days.

☐ Attorneys' fees are not awarded.